

Appl. No. 09/914,966
Atty. Docket No. 7456R
Dated March 6, 2005
Amendment with filing of RCE
Customer No. 27752

REMARKS

Applicants acknowledge the Examiner's withdrawal of the §112 rejections and the previous §102/103 rejections over U.S. Patent No. 4,243,480 to Hernandez et al. ("Hernandez").

Claims 11, 29 and 30 have been amended to define the claimed invention with greater specificity by defining the fiber of the claimed invention as "an absorbent" fiber. Support for these amendments is found throughout the specification.

Claims 11-18 and 20-32 are pending.

Rejections Under 35 USC §103(a) over Hernandez alone or in combination with U.S. Patent No. 5,516,815 to Buehler et al.

Claims 11-13, 15-18, 20-27, 29 and 30 are rejected by the Office Action under 35 U.S.C. §103 as allegedly defining obvious subject matter over Hernandez. The Office Action asserts that Hernandez teaches starch fibers having a diameter of 10-500 microns that are made via a solvent spinning process (not melt blowing and/or spunbonding). The Office Action further asserts that the teachings of Hernandez render the claimed invention, as claimed in Claims 11, 29 and 30 (all independent claims) obvious on the basis that discovering an optimum value of a fiber diameter involves only routine skill in the art.

Applicants respectfully submit that Claims 11, 29 and 30 are not rendered obvious over Hernandez because Hernandez fails to teach each and every element of Claims 11, 29 and 30, as amended. More specifically, Applicants submit that Hernandez fails to teach starch fibers that are absorbent and/or that have a diameter of less than 10 microns. In fact, Applicants submit that Hernandez expressly teaches away from starch fibers that are absorbent and/or that have a diameter of less than 10 microns. Applicants direct the Office's attention to Column 3, lines 58 to 64 of Hernandez which states:

The starch fibers employed may be produced using a number of variations, the only requirement being that the waterinsensitive [sic] fibers have a diameter of 10 to 500 microns and that they be precipitated by the extrusion of a thread-like stream of a colloidal dispersion of starch at 5-40%, by weight solids, into a suitable moving coagulating salt solution. Hernandez, Col. 3, lines 58-64 (Emphasis added).

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Applicants respectfully submit that this teaching by Hernandez expressly teaches away from starch fibers that are absorbent and/or that have a diameter of less than 10 microns. As additional support for Applicants' position, Applicants submit that Hernandez exemplifies in Example 1 a starch fiber having an average diameter of 65 microns. Hernandez, Col. 12, lines 47-48.

Applicants submit that Hernandez requires that its starch fibers be water insensitive since Hernandez specifically desires to use its starch fibers to replace all or part of cellulosic fibers in conventional papermaking operations. Cellulosic fibers are water insensitive. Clearly, Hernandez fails to teach and in fact, teaches away from starch fibers that are absorbent.

Additionally, Applicants submit that nowhere within Hernandez is the term "about" associated with the diameter range. This absence of the term "about" in the face of Hernandez's use of "about" for other ranges, for example with respect to the concentration of starch solids (e.g., about 5 to 40% as seen in Col. 4, lines 4 to 5) further supports Applicants' position that Hernandez clearly teaches away from starch fibers having a diameter of less than 10 microns.

Hernandez also teaches away from the claimed invention because Hernandez teaches making its starch fibers using a solvent spinning process, not a melt blowing or spunbonding process. This is additional evidence of Hernandez's teaching away from the claimed invention.

Accordingly, Applicants respectfully submit that Claims 11, 29 and 30, as amended, are not obvious over Hernandez. MPEP 2143.03. Further, Applicants submit that Claims 12-13, 15-18, 20-28 and 31-32, which ultimately depend from Claim 11 as amended, are not rendered obvious over Hernandez. MPEP 2143.03.

Claim 14 is rejected under 35 USC 103(a) as allegedly defining obvious subject matter over Hernandez in view of U.S. Patent No. 5,516,815 to Buehler et al. ("Buehler"). The Office Action states that the plasticizers taught by Buehler can be combined with the starch fibers of Hernandez to render Claim 14 obvious.

Applicants respectfully submit that Claim 14 is not rendered obvious over Hernandez in view of Buehler for the same reason that Claim 11, as amended, from which Claim 14 ultimately depends, is not rendered obvious over Hernandez. MPEP 2143.03.

Claim 28 is rejected under 35 USC 103(a) as allegedly defining obvious subject matter over Hernandez. Applicants respectfully submit that Claim 28 is not rendered obvious

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over Hernandez for the same reason that Claim 11, as amended, from which Claim 28 ultimately depends, is not rendered obvious over Hernandez. MPEP 2143.03.

Claims 31 and 32 are rejected under 35 USC 103(a) as allegedly defining obvious subject matter over Hernandez. Applicants respectfully submit that Claims 31 and 32 are not rendered obvious over Hernandez for the same reason that Claim 11, as amended, from which Claims 31 and 32 ultimately depend, is not rendered obvious over Hernandez. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 11-18 and 20-32 is respectfully requested.

Respectfully Submitted,
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By 
Signature

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